

10 hour Break Between Rostered Shifts – Public Health system Nurses' and Midwives' (State) Award

As per Clause 4. (iv) (a) of the above Award, a 10 hour break between each rostered shift, is required unless agreed otherwise between an employee and local nursing management.

Employees may elect in writing to forego the 10 hour break between shifts and agree to an 8 hour break and this must be recorded in StaffLink by the Manager via Manager Self Service – refer to this SARA article for further information [Human Resources - Updating Employee Required Min Break Hours in Manager Self Service \(MSS\) \(nsw.gov.au\)](#)

The following advice specifically relates to advice provided by the **Ministry of Health** in relation to the 8 or 10-hour break between the end of worked overtime and recommencement of a rostered shift.

The Award allows for a maximum of 10 hour break between duties. 'Sleep break' entries in HealthRoster must not exceed 10 hours.

Examples

NB: the following scenarios must be considered with a Service Delivery perspective at the forefront of the decision making.

An employee works Overtime that concludes at 23:00 and is due to commence their rostered shift the following day at 7:00

If the employee has agreed to an 8 hour break via the waiver (which must be entered into Stafflink by the Manager) they can commence the shift at 7:00 as planned.

If the employee requires a 10 hour break between shifts, the following may occur:

- a. The overtime may be ceased at 21:00 to allow the 10hr break to occur;
- b. The employee will be able to commence the shift on the following day at 9:00 to allow for the adequate break. In this example, the 2 hours between 7:00 and 9:00 are to be placed into HealthRoster as a sleep break non-productive.
- c. The employee may request the day following the Overtime to be paid as Annual Leave – such requests will be considered on their own merit and staffing requirements. Please note that if the employee is electing to take leave following the overtime, there is no requirement to consider the 8/10 hour break between duties as the employee has elected to not return to work the rostered shift. Therefore the whole shift would be Annual Leave and no 'sleep break' non-productive is to be rostered.

NB: If the employee has elected to take leave rather than to return to work after the required break, paid leave must always be taken prior to approving LWOP especially where the employee has a leave balance.
- d. If the employee is required to finish the Overtime at 23:00, and due to a managerial decision and operational demands, the Service requires the employee to return to work at 7:00 (without the required break being taken), the entire duty commencing at 07:00 would be paid with a 'No Break' penalty (an additional x 1.0 loading, effectively paying this shift as double time)

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Further Information

For assistance with HealthRoster contact the Rostering Support Team via HNELHD-RosteringSysSupport@health.nsw.gov.au

Further assistance may be provided by your **HR Team**

Human Resources – Corporate
Ph. 498 53407
HNELHD-HRCorporate@health.nsw.gov.au

Human Resources – Greater Metropolitan Health Services
Ph. 498 53152
HNELHD-HRMetro@health.nsw.gov.au

Human Resources – Rural and Regional Health Services
Ph. Southern 498 53236 and Northern 676 37427
HNELHD-HRRural@health.nsw.gov.au

Human Resources – Mental Health
Ph. 498 53291 (Waratah) or 403 35181 (Mater)
HNELHD-HRMHS@health.nsw.gov.au